

Message Text

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DRAFTED BY EA/PRCM:PGSMITH/JSROY:CED

APPROVED BY EA:PHILIP C. HABIB

NEA/INS - MR. KUX (SUBSTANCE)

S/S - JPMOFFAT

S:LBREMER

S/P-MR. LORD (DRAFT)

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TO USDEL SECRETARY IMMEDIATE

C O N F I D E N T I A L STATE 225990 TOSEC 130029

LIMDIS

E.O. 11652: GDS

TAGS: PFOR, CH, US

ACTION MEMORANDUM:

SUBJECT: PRC PROTEST OVER TIBETAN ACTIVITIES IN

THE US (S/S NO. 7518580)

FOR THE SECRETARY FROM EA - PHILIP C. HABIB

1. THE PROBLEM

PRCLO HAS ASKED US TO "BAN" THE OFFICE OF TIBET IN NEW YORK CITY AND TO PREVENT A PLANNED US TOUR BY A TIBETAN SONG AND DANCE TROUPE. THERE ARE NO LEGAL GROUNDS FOR TAKING THESE STEPS. WE PROPOSE TO TELL PRCLO THIS, WHILE NOTING, IF YOU AGREE, THAT WE ARE DISCOURAGING EFFORTS TO HAVE THE DALAI LAMA VISIT THE US. A DECISION IS URGENTLY NEEDED, BECAUSE WE MUST DECIDE ON VISAS FOR THE SONG AND DANCE TROUPE BY SEPTEMBER 25.

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2. BACKGROUND/ANALYSIS

PRCLO COUNSELOR HSIEH CH'I-MEI CALLED ON BILL GLEYSTEN AUGUST 8 TO PROTEST THE ACTIVITIES OF THE OFFICE OF TIBET IN NEW YORK CITY. HE ASKED US TO "BAN" THE OFFICE AND

PREVENT IT FROM BRINGING A TIBETAN SONG AND DANCE GROUP TO THE US FOR PERFORMANCES. HSIEH STATED THAT US "CON- NIVANCE" IN THE ACTIVITIES OF THE "TIBETAN REBELS" IN THIS COUNTRY IS CONTRARY TO THE SPIRIT OF THE SHANGHAI COM- MUNIQUE. HE ALSO NOTED THAT WE HAD NEVER RESPONDED TO AN EARLIER PRCLO PROTEST CONCERNING THE TIBETAN OFFICE ON JULY 30, 1974. (OUR FAILURE TO RESPOND WAS DELIBERATE.)

BILL GLEYSTEN SAID HE WOULD LOOK INTO THE MATTER, NOTED THE LIMITATIONS PLACED ON US BY OUR CONSTITUTIONAL AND LEGAL STRUCTURE AND PROMISED A REPLY SHORTLY.

THE TIBETAN OFFICE HAS BEEN REGISTERED WITH THE DEPARTMENT OF JUSTICE SINCE 1963 AS THE US REPRESENTATIVE OF THE DALAI LAMA. THE OFFICE IS IN FULL COMPLIANCE WITH THE PROVISIONS OF THE FOREIGN AGENTS REGISTRATION ACT, AND WE HAVE NO LEGAL BASIS FOR FORCING IT TO CLOSE.

WE ALSO LACK SATISFACTORY GROUNDS UNDER THE IMMIGRATION AND NATIONALITY ACT FOR DENYING VISAS TO THE TIBETAN SONG AND DANCE TROUPE. THE TROUPE IS COMING UNDER COMMERCIAL SPONSORSHIP FOR A US TOUR RUNNING FROM OCTOBER 6-NOVEMBER 26.

MOREOVER, SOME GROUPS AND MEMBERS OF CONGRESS RETAIN AN INTEREST IN THE TIBETAN PROBLEM, AND PEREMPTORY MOVES ON OUR PART AGAINST EITHER THE TIBETAN OFFICE OR THE DANCE TROUPE COULD RESULT IN LEGAL CHALLENGES TO OUR ACTIONS AND AROUSE ADVERSE PUBLICITY.

IN A RELATED MATTER, NEA HAS RECENTLY BEEN INFORMED OF RENEWED AMERICAN INTEREST IN BRINGING THE DALAI LAMA TO THIS COUNTRY, THIS TIME FOR A RELIGIOUS CONFERENCE IN OCTOBER.

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YOU HAVE JUST APPROVED OUR RECOMMENDATION THAT WE INFORM CONGRESSMAN BINGHAM, WHO RAISED THE QUESTION IN CONNECTION WITH THIS CONFERENCE, THAT WE DO NOT BELIEVE THAT IT WOULD BE APPROPRIATE FOR THE DALAI LAMA TO VISIT THE US AT THIS TIME. YOU APPROVED SIMILAR ACTION LAST YEAR IN RESPONSE TO AN UNRELATED INQUIRY.

WHILE WE ARE NOT IN A POSITION TO BE RESPONSIVE TO THE

CHINESE PROTEST, WE BELIEVE THAT IT WOULD BE USEFUL TO TELL THE CHINESE AT THIS TIME OF OUR EFFORTS TO DISCOURAGE A VISIT BY THE DALAI LAMA. HOWEVER, THERE IS SOME RISK INVOLVED, SINCE IF WE TELL THE CHINESE THIS WE MUST BE PREPARED TO RESIST ALL EFFORTS TO GET US TO CHANGE OUR POLICY ON SUCH A VISIT.

SINCE THE DANCE TROUPE'S VISA APPLICATIONS REQUIRE PROMPT ACTION, WE PROPOSE THAT BILL GLEYSTEN CALL IN HSIEH AND MAKE THE FOLLOWING POINTS:

-- YOU WILL RECALL THAT IN OUR DISCUSSION ON AUGUST 8 I MENTIONED THAT WE COULD ONLY ACT WITHIN THE FRAMEWORK OF OUR CONSTITUTIONAL AND LEGAL STRUCTURE;

-- WE HAVE INVESTIGATED THE SITUATION AND FOUND THAT THE OFFICE OF TIBET IS OPERATING IN ACCORDANCE WITH THE PROVISIONS OF THE FOREIGN AGENTS REGISTRATION ACT, AND THAT THERE IS NO LEGAL WAY FOR US TO FORCE IT TO CEASE ACTIVITIES.

-- THE PRC SIDE SHOULD NOTE, HOWEVER, THAT REGISTRATION WITH THE USG DOES NOT CONSTITUTE APPROVAL, AND THAT OUR LAW REQUIRES ALL POLITICAL PROPAGANDA PUBLISHED BY SUCH ORGANIZATIONS AS THE OFFICE OF TIBET TO CARRY AN EXPLICIT STATEMENT TO THAT EFFECT;

-- SIMILARLY, WE HAVE NO LEGAL BASIS FOR BLOCKING THE TOUR OF THE TIBETAN SONG AND DANCE GROUP, WHICH WE UNDERSTAND IS COMING UNDER COMMERCIAL AUSPICES FOR A SERIES OF CULTURAL PERFORMANCES.

IF YOU AGREE, GLEYSTEN WOULD ADD THAT ALTHOUGH WE ARE CONFIDENTIAL

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UNABLE TO MEET THE CHINESE REQUESTS IN THESE CASES, WE HAVE ATTEMPTED TO DISCOURAGE SEVERAL US GROUPS WHICH ARE OR HAVE BEEN INTERESTED IN BRINGING THE DALAI LAMA TO THE US.

3. RECOMMENDATIONS:

THAT YOU AUTHORIZE A REPLY TO THE CHINESE PROTEST ALONG THE ABOVE LINES.

APPROVE

DISAPPROVE

THAT YOU ALSO AUTHORIZE US TO TELL THE CHINESE THAT WE ARE
DISCOURAGING PRIVATE US EFFORTS TO BRING THE DALAI LAMA TO
THE US.

APPROVE

DISAPPROVE

CLEARED WITH NEA/INS: MR. KUX; S/P: MR. LORD; AND
P: MR. SISCO.
INGERSOLL

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